

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.6616 of 2021**

Arising Out of PS. Case No.-406 Year-2020 Thana- MAHUA District- Vaishali

AKHILESH KUMAR RAI @ AKHILESH KUMAR RAY S/o Ram Chandra  
Rai R/o Village- Mohanpur, P.S.- Patoree Mohanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sachin Kumar

For the Opposite Party/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      03-12-2021                      This matter has been taken up for hearing online  
because of COVID 19 pandemic restrictions.

Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is expected to  
honour his under undertaking to remove the defects, as pointed  
out by the office, when called upon to do so by the office.

The petitioner is apprehending his arrest in connection  
with Mahua P.S. Case No. 406 of 2020 for the offence registered  
under Sections 30(a)/32(ii)/34(ii)/38(ii) and 41(i) of the Bihar  
Prohibition and Excise Act, 2018.

As per allegation in the first information report, in  
course of night patrolling, 414 liters India made foreign liquor  
was recovered from the white colour Bolero vehicle bearing



Registration No. BR-01-PG-0602 but the person so sitting thereover stopped the vehicle and managed to escape.

Learned counsel for the petitioner submits that the petitioner is the owner of vehicle and he has falsely been implicated in connection with the present case. It is further submitted that petitioner's name came in this case because he is only an owner of the alleged seized Bolero vehicle. Petitioner has no criminal antecedent.

Learned counsel for the State resists the prayer for bail and submits that the petitioner is the registered owner of the said vehicle from where recovery has been made. Hence, it is not a fit case for anticipatory bail.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. It is, accordingly, rejected.

However, if the petitioner surrenders and prays for regular bail, the same may be considered by the court below on its own merit without being prejudiced by the present order of rejection.

**(Sunil Kumar Panwar, J)**

Jagdish/-

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